

# FORMAL MEETING AGENDA BOARD OF SUPERVISORS

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts, and/or Board of Deposit)

## WEDNESDAY, JANUARY 16, 2008

### 9:00 AM

Board of Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, Arizona

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**GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED**  
**GOLD – WITHDRAWN / BROWN – NO ACTION**

#### INVOCATION

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

*One or more members may attend telephonically.  
Members attending telephonically will be announced at the meeting.*

**The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).**

## SUPPLEMENTAL

#### New Items

#### County Attorney

**S-1. FILING OF BRIEF IN QWEST V. CITY OF CHANDLER, CASE NO. 1-CA-CV07-0852**  
**(APPROVED)**

Authorize the Maricopa County Attorney to appear and file a brief as amicus curiae in Qwest Corporation v. City of Chandler, pending in the Arizona Court of Appeals, No. 1-CA-CV07-0852, as discussed in Executive Session on January 14, 2008. (C1908038M00) (ADM412)

**S-2. GRANT FUNDS FOR VICTIMS' RIGHTS WEEK AWARENESS CAMPAIGN - (APPROVED)**

Approve receipt of \$10,000.00 in Federal funding from the National Association of VOCA Assistance Administrators for award agreement 08-105. These grant funds are to be used to

support the direct costs of implementing a National Crime Victims' Rights Week Community Awareness project. The Maricopa County Attorney's Office has been selected to host a statewide campaign to increase awareness about victims' rights in the State of Arizona. National Crime Victims' Rights Week takes place during the week of April 13-19, 2008. These funds are passed through the grantor pursuant to Federal grant #2006-VF-GX-K024 by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. This agreement will commence on the date of full execution and terminate on June 30, 2008. This grant will only reimburse the Maricopa County Attorney's Office for the actual, reasonable and necessary costs incurred in connection with the project and may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$1,380.00.

Also, approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant in the amount of \$10,000.00 for FY 2007-08. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C1908039300)

**Sheriff**

**S-3. ACCEPT HANDHELD 'SMARTPHONE' DEVICES IN EXCHANGE FOR THE SHERIFF'S OFFICE PARTICIPATION IN A STUDY - (APPROVED)**

Approve acceptance of 45 handheld 'smartphone' devices in exchange for the Sheriff's Office participation in a study being conducted by the Department of Homeland Security (DHS) Science and Technology Group - Regional Information Sharing and Collaboration (RISC) Project in cooperation with the Tucson Police Department (TPD). DHS is developing and evaluating cross-jurisdictional information sharing technologies, policies, and processes that support the cooperative efforts of federal, state, and local law enforcement agencies to quickly share information and respond to terrorist threat detection and identification situations. These devices are part of that effort. (C5008032M00)

**Treasurer**

**S-4. TRANSFER EXPENDITURE AUTHORITY FOR THE PURPOSE OF FUNDING POSITION (APPROVED)**

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority between Non-Departmental (470), General Fund (100) and the Treasurer's Office (430) General Fund (100). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470), General Fund (100), Unreserved Contingency (4711) by \$49,212 and **increasing** the FY 2007-08 Treasurer's Office (430) General Fund (100) by \$49,212, in order to fund one FTE to be the back-up for the Financial Manager and the Portfolio Manager in the Treasurer's Office. The Treasurer's Office will work with County Management to clarify processes and the address open issues. These issues will be addressed through the Treasurer's Information Committee which is being established and will begin meeting in January 2008.

If agreed to by the Treasurer's Office, also, direct the Office of Management and Budget to budget the annualized costs in the fiscal year 2008-09 budget. These adjustments will result in a Countywide net impact of zero. (C4908005700) (ADM4000-003)

**Correctional Health**

**S-5. SETTLEMENT WITH PHASE 2 CONSULTING, INC. - (APPROVED)**

Approve Settlement between Phase 2 Consulting, Inc. and Maricopa County (Correctional Health) of dispute concerning a contract (Serial 04133-RFP) entered by the parties on November 17, 2004, renewed both in November 2005 and November 2006. Phase 2 Consulting, Inc. has submitted invoices totaling \$152,239.48 for which it seeks payment. Maricopa County disputes the amount due and owing. As a compromise, Phase 2 Consulting, Inc. has agreed to settle its claim in consideration for the payment of \$76,119.74. The acceptance and approval of the Settlement allows the County to avoid expensive and uncertain litigation and to reduce fiscal year expenses by \$76,119.74. This matter was discussed in Executive Session on January 14, 2008. (C2608007000) (ADM409)

**Risk Management**

**S-6. SETTLEMENT WITH LINDA EVANS AND THE ESTATE OF BRIAN CRENSHAW (APPROVED)**

Approve a settlement in the amount of \$2,000,000 between Maricopa County and Plaintiff(s) Evans et al, a lawsuit pending in US District Court, Ct. No. CV 2004-04221 (Claim Nos.: GL 5413027031 and MM 2652028786), and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on December 3, 2007 and January 14, 2008. (C7508026800) (ADM409)

**SETTING OF HEARINGS**

~All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted~

**Planning and Development**

**S-7. CASES - (APPROVED)**

Schedule Planning and Development public hearings on zoning cases and other matters for February 6, 2008. (List is on file in the Clerk of the Board's office) (F23253)

**REGULAR AGENDA**

**BOARD OF SUPERVISORS**

**STATUTORY HEARINGS**

**Clerk of the Board**

**1. LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Gloria A. Mitchell for a Special Event Liquor Licenses: (F23221) (F23249) (SELL814) - **(APPROVED)**

Business Name: Sun City West Racquet Club  
Location: 19807 R H Johnson Boulevard, Sun City West, 85375  
Date/Time: April 4, 5, & 6 2008

- b. Application filed by Roger J. Scharenbroich for a Special Event Liquor Licenses: (F23221) (SELL815) (F23249) – **(APPROVED)**

Business Name: Knights of Columbus #12144  
Location: 9728 Palmeras, Sun City, 85373  
Date/Time: February 9, 2008

- c. Application filed by James Godfrey Urban for a Special Event Liquor Licenses: (F23249) (SELL816) - **(APPROVED)**

Business Name: Rio Verde Community Association  
Location: 18816 E. Four Peaks Blvd., Rio Verde, AZ 85263  
Date/Time: February 7, 2008; 4:00 to 6:00 p.m.

- d. Application filed by Rick Francis Robarge for a Temporary Extension of Premises Permit, MC-A-664,31, AZ #06070382: (F23249) - **(DENIED)**

Business Name: Coyote Bar and Grill  
Location: 12417 West Glendale, Glendale, AZ 85307  
Date/Time: February 1, 2, and 3, 2008

- e. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Viewpoint Cafe: **This item was continued from the January 2, 2008 meeting.** (MCLL6254) (AZ#07070507) - **(APPROVED)**

Business Name: Mojoes  
Location: 10502 W. Thunderbird Boulevard, Sun City 85351

- f. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/South Grill & Deli: **This item was continued from the January 2, 2008 meeting.** (MCLL6255) (AZ#07070508) - **(APPROVED)**

Business Name: Mojoes  
Location: 11000 N. 103<sup>rd</sup> Ave, Sun City 85351

- g. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Lake West Snack Shop: **This item was continued from the January 2, 2008 meeting.** (MCLL6256) (AZ#07070509) - **(APPROVED)**

Business Name: Mojoes

Location: 10433 W. Talisman Road, Sun City 85351

- h. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Riverview Snack Shop: **This item was continued from the January 2, 2008 meeting.** (MCLL6274) (AZ#07070510) - **(APPROVED)**

Business Name: Mojoes  
Location: 16401 N. Del Webb Boulevard, Sun City 85351

- i. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Willowcreek Grill: **This item was continued from the January 2, 2008 meeting.** (MCLL6258) (AZ#07070512) - **(APPROVED)**

Business Name: Mojoes  
Location: 10600 Boswell Boulevard, Sun City 85373

- j. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/North Grill & Deli: **This item was continued from the January 2, 2008 meeting.** (MCLL6259) (AZ#07070511) - **(APPROVED)**

Business Name: Mojoes  
Location: 12650 N. 107<sup>th</sup> Avenue, Sun City 85351

## **Transportation**

### **2. ROAD FILE DECLARATION - (APPROVED)**

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**Road File No. (A388)** – In the vicinity of Various streets, in the Town of Guadalupe, known as Calle Pitaya from Avenida Del Yaqui to Calle Gloria, Calle Gloria from Avenida Del Yaqui to Calle Batoua, Calle Batoua from Calle Pitaya to Calle Sonora, Mesquite Place from Calle Batoua to North Branch Highland Canal, Calle Sonora from Calle Batoua to Calle Vauo Nawi, Calle Batoua from Calle Sonora to Calle Magdalena, Calle Tomi from Calle Sonora to Calle San Angelo, Calle Magdalena from Avenida Del Yaqui to Calle Batoua, Calle Magdalena from Calle Tomi to Calle Vauo Nawi, Calle Batoua from Calle Magdalena to Calle San Angelo, Calle San Angelo from Avenida Del Yaqui to Calle Vauo Nawi, Calle Vauo Nawi from Calle San Angelo to Calle Iglesia, Calle Batoua from Calle Iglesia to Calle Mexico, Calle Tomi from Calle Iglesia to Calle Mexico, Calle Vauo Nawi from Calle Iglesia to Calle Mexico. (Supervisory District 5) (C6408110000)

## **Assessor**

### **3. FEE SCHEDULE FOR IS AND GIS DATA PRODUCTS AND SERVICES - (APPROVED)**

Pursuant to A.R.S. §11-251.08, convene the scheduled public hearing to consider the adoption of a proposed fee schedule charge for IS and GIS data products and services offered by the Assessor's Office, to be effective upon Board approval. Included in this proposed fee schedule is a new fee for rental registration, which permits the Assessor's Office to charge ten dollars for all rental property registrations and rental property registration changes as specified in A.R.S. §33-1902(I). (Fee Schedule on file in the Clerk of the Board's office) (C1208004M00) (ADM300)

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Assessor**

**4. AMENDMENT TO LEASE WITH COLE SANTA FE HOLDINGS, LLC - (APPROVED)**

Approve Amendment No. 1 to C1206010400, dated May 17, 2006, which approved Lease No. L7243 with Cole Santa Fe Holdings, LLC, an Arizona limited liability company, for 7,272 square feet of office space at 943 S. Gilbert Road, Mesa, AZ. Effective November 30, 2007, the building for the subject lease was sold to Paragon Santa Fe, LLC. The Lessor is the only change to the Lease Agreement, all other terms and conditions of the current lease remain the same. As such, this is an informational request. (C1206010401)

#### **County Attorney**

**5. IGA FOR THE ENHANCEMENT OF LAW ENFORCEMENT SERVICES - (APPROVED)**

Approve an Intergovernmental Agreement between the Arizona Department of Public Safety and the Maricopa County Attorney's Office. The purpose of this agreement is to enhance law enforcement services concerning the collection, analysis, and dissemination of intelligence, regarding terrorism and criminal related incidents through cooperative efforts. Through this agreement, the Maricopa County Attorney may assign law enforcement officer(s) (detectives) to the Arizona Counter Terrorism Information Center (ACTIC) as appropriate. This agreement shall remain in effect from the date of full execution until terminated by one or both of the parties. (C1908036200)

#### **Sheriff**

**6. INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF GILA BEND FOR LAW ENFORCEMENT SERVICES - (APPROVED)**

Approve a one-year Intergovernmental Agreement (IGA) between the Town of Gila Bend and the Maricopa County Sheriff's Office to provide law enforcement services which includes police communications service to the Town of Gila Bend. The term of this agreement is retroactively effective from July 1, 2007 through June 30, 2008. Termination of this agreement requires 180 days written notice and shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The charges are based on actual cost and are revised annually. The total cost for the first year of this agreement is \$323,634. The level of service is .45 beats.

Also, pursuant to A.R.S. §42-17106, approve an increase of \$11,793 (\$11,793 annualized) in revenue and expenditure to the Sheriff's FY 2007-08 General Fund (100) appropriation. Intergovernmental Agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008008200)

**7. MEMORANDUM OF UNDERSTANDING WITH APS - (APPROVED)**

Approve an annual Memorandum of Understanding (MOU) with APS, a subsidiary of Pinnacle West Capital Corporation, and the Maricopa County Sheriff's Office concerning proof of off-site law enforcement assistance as required by the Nuclear Regulatory Commission should the need arise. Responders are provided specialized emergency training. The term of this MOU is January 1, 2008 through December 31, 2008. (C5008031000)

**8. DONATION OF COMPUTERS AND EXECUTION OF CONVEYANCE DOCUMENTS (APPROVED)**

Pursuant to A.R.S. §11-251(9), approve the donation of up to 100 computers that have had the hard drives removed to the Honduras Sister City Project and authorize the execution of any necessary conveyance documents. The computers are surplus equipment and/or materials that have little or no value and are unauctionable. The hard drives will be removed and destroyed in accordance with County policy. The computers will not have an operating system. (C5008034M00) (ADM119)

**9. RENEWAL OF DEEP UNDERCOVER REGISTRATIONS AND EXEMPTIONS FROM MARKINGS - (APPROVED)**

Pursuant to A.R.S. §38-538.03, approve renewal of deep undercover registrations and exemptions from markings, including non-government license plates for Sheriff's RICO vehicles that are used for conducting investigations into major felonies, narcotics operations, and organized crime activity throughout Maricopa County. (C5008035M00) (ADM3101V)

**10. IGA WITH VARIOUS LAW ENFORCEMENT AGENCIES RELATED TO SUPER BOWL MUTUAL AID - (APPROVED)**

Approve Maricopa County Sheriff's Office participation in multi-jurisdictional non-financial intergovernmental agreement, pursuant to A.R.S. §11-951, et seq., and A.R.S. §13-3872, initiated by the Gila River Indian Community. The purpose of this agreement is to provide mutual aid to the participating parties during the Super Bowl and its related events, effective January 25, 2008 through February 5, 2008. This Agreement can be terminated by either party seven days prior to the effective date by written notice. Other participants are: the Glendale Police Department, Tempe Police Department, Phoenix Police Department, Mesa Police Department. (C5008036000)

**Treasurer**

**11. TAX DEEDED LAND SALE - (APPROVED)**

Pursuant to A.R.S. §42-18303, accept the offers on parcels previously offered for bid at auction conducted on December 7, 2006, that were not sold. Upon approval, direct that deeds be prepared to convey the properties sold. With the approval of this action, the proceeds of the sale will total \$2,020 and an estimated \$2,020 will revert to the County General Fund. **A)** Parcel: 200-35-227 Tax Liability \$2,575.69 Offer \$1,010.00 **B)** Parcel: 500-65-148 Tax Liability \$3,464.79 Offer \$1,010.00 (C4308013B00) (ADM656)

**DEPUTY COUNTY MANAGER**

**General Government**

**12. PERSONNEL AGENDAS - (APPROVED)**



Approve the personnel agendas (Exhibits A and B) for the first two quarters of FY 2007-08 consistent with agenda item C4907038600 approved on April 18, 2007. (On file in the Clerk of the Board's office) (C4508008M00) (ADM3300-006)

### Management and Budget

**13. AMEND FY 2007-08 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM - (APPROVED AS AMENDED)**

Pursuant to A.R.S. §42-17106(B):

1. Approve the following amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Financing Series 2007 (440) Fund:
  - a) **Increase** FY 2006-07 projected expenditures to final actual expenditures for the Southwest Justice Center (SWJC) project by \$218,552 from \$11,212,055 to \$11,430,607 and adjust the project budget as follows: **decrease** Year 1 (FY 2007-08) by \$218,552 from \$24,838,735 to \$24,620,183 to reconcile FY 2006-07 projected to actual spending.
  - b) **Decrease** the expenditure budget for the Southwest Justice Center (SWJC) project by \$24,238,031 in Year 1 (FY 2007-08), \$50,913,210 in Year 2 (FY 2008-09), and \$4,201,896 in Year 3 (FY 2009-10), thereby reducing the total project budget from \$91,500,000 to \$12,146,863, which is the amount that has already been spent on the project.
2. **Reduce** the FY 2007-08 Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" expenditure appropriation by \$8,065,660, thereby reducing the County's overall General Fund budget.

FY 2006-07 General Fund revenue in excess of expenditures at year-end was \$30,931,845 greater than was included in the FY 2007-08 budget. A fund transfer of \$30,931,845 from the General Fund (100) to the General Fund County Improvement Fund (445) will be included in the FY 2008-09 budget to contribute to funding the Court Tower project. (C4908024800)

### Public Health

**14. ADMINISTRATIVE CORRECTION REGARDING TERMINATION DATE OF IGA WITH MARICOPA INTEGRATED HEALTH SYSTEM (MIHS) - (APPROVED)**

Approve an administrative correction to C8606048202, a termination of Intergovernmental Agreement (IGA) No. C86060482 between Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS) and Maricopa County Department of Public Health (MCDPH) for the provision of HIV Counseling & Rapid Antibody Testing Services. MCDPH was contracted by MIHS to provide the counseling and testing service, previously approved by the Board on November 14, 2007. This administrative correction changes the IGA termination date from October 15, 2007 to October 16, 2007. All other terms and conditions of this intergovernmental agreement shall remain unchanged. (C8606048203)

**15. AMENDMENTS TO IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

- a. Approve Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86074022 between the **Buckeye School District** and Maricopa County Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health.. This amendment provides additional



funds to the Buckeye School District in the amount of \$2,000 and is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607402202) - **(APPROVED)**

- b. Approve Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86074052 between the **Higley Unified School District** and Maricopa County Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment provides additional funds to the Higley Unified School District in the amount of \$2,000 and is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607405202) - **(APPROVED)**

**16. TRANSFER EXPENDITURE AUTHORITY FOR PUBLIC HEALTH'S INFORMATION TECHNOLOGY - **(APPROVED)****

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority, from Non-Departmental (470) Grant Fund (249), Expenditure Authority Reserve (4711) Line Item Potential Fee Increases to Public Health (860) Public Health Fee Fund (265). This action will require an expenditure appropriation adjustment **decreasing** FY 2007-08 Non-Departmental (470) Grant Fund (249) by \$832,952 and **increasing** the FY 2007-2008 Public Health (860) Public Health Fee Fund (265) by \$832,952. Approval of this action will support the improvement of the Public Health's Information Technology (PHIT) and transition of PHIT functions to the Maricopa County's Office of Enterprise Technology. These adjustments will result in a County-wide impact of zero. (C8608049M00) (ADM2150-003)

## **ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION**

### **Medical Examiner**

**17. WAIVER TO THE MARICOPA COUNTY EMPLOYEE COMPENSATION PLAN - **(APPROVED)****

Approve a waiver to the Maricopa County Employee Compensation Plan, Section VI.A.2 of the Maricopa County Human Resources Compensation Plan, for Dr. William Thomas Stano III. This waiver allows retroactive salary advancement and compensation to occur effective September 24, 2007, in the amount of \$1064 for Dr. Stano who successfully completed passage of the Forensic Pathology examination and board certification by the American Board of Pathology. (C2908009600) (ADM3300-001)

## **ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION**

### **Community Development**

**18. REVISED COMMUNITY DEVELOPMENT ADVISORY COMMITTEE BYLAWS AND POLICIES **(APPROVED)****

Approve the revised Community Development Advisory Committee (CDAC) Bylaws and Policies adopted by the CDAC on January 9, 2008. The CDAC Bylaws establish the operating guidelines of the Committee. The Policies establish the guidelines by which the CDAC will make funding recommendations to the Board of Supervisors, and establish the guiding principles that grant recipients must follow once Community Development Block Grant and HOME Investment

Partnerships Program funds have been awarded. (CDAC Bylaws and Policies are on file in the Clerk of the Board's Office) (C1708034600) (ADM1501)

## **CHIEF FINANCIAL OFFICER**

### **Finance**

**19. FUND TRANSFERS; WARRANTS - (APPROVED)**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**20. AGRICULTURAL LICENSE AGREEMENT WITH DISCOVERY WEST RANCHES PARTNERS (APPROVED)**

Approve an Agricultural License Agreement with Discovery West Ranches Partners, Licensee, to allow continued farming of recently purchased county owned land. The Licensee was an agricultural tenant on the land under the previous owner. The License will be granted for a nominal fee of \$10, and other considerations including property maintenance such as weed/dust control. The license contains an automatic annual renewal. The license may be terminated by County by giving six months written notice to the Licensee. (C1808036B00)

**21. DECLARE PROPERTY AS SURPLUS AND AUTHORIZE AUCTION TO LEASE SPACE (APPROVED)**

Declare as surplus property, approximately 1,000 square feet of unused County space at 333 West Hatcher, Phoenix, Arizona.

Also, authorize the surplus space to be leased at public auction by Real Estate Services with terms that meet the County's goals and are in balance with the real estate marketplace.

Also, authorize Real Estate Services to commence public notice and advertisement in anticipation of the projected auction. The space will be appraised by a certified licensed appraiser. A leasehold interest in the property will be auctioned either by oral or sealed bid to the public or, if to a municipality, other government entity, or qualifying non-profit, at fair market value, without an auction, as provided for in A.R.S. §11-251 Paragraph 9. Upon selection of a qualified bidder and execution of an agreement by lessee, the lease agreement will be submitted to the Board for approval. (C1808037B00) (ADM811-016) (ADM812)

### **Materials Management**

**22. SOLICITATION SERIALS - (APPROVED)**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award**

- 07083-C Plastic Trash Can Liners (\$725,000 estimate/three years with three one-year renewal options)** Price agreement for plastic trash can liners for the Sheriff's office.
- Unipak Corporation
- 07121-C Executive Search Services (\$500,000 estimate/six years)** Price agreement to provide qualified contractors for executive search services for the County on an as needed basis.
- Arcus LLC
  - Avery Associate

**Renewals/Extensions:**

It is recommended that the Board of Supervisors approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until December 31, 2010**

- 04179-C Guard Rails and Accessories (\$600,000 estimate/three years)** Price agreement renewal to purchase guard rails and accessories for the Department of Transportation.
- Five G, Inc.
- 04169-S Installation of Permanent Traffic Signage (\$600,000 estimate/three years)** Price agreement renewal for installation of permanent traffic signage for use by the Department of Transportation.
- Hunter Guard Rail & Fence, Inc.

**Approve an increase in the price agreement amount for the following contract(s). This request is due to an increased usage by County departments.**

- 04187-S Water Well and HVAC Pump Repair and Overhaul (\$300,000 increase)** Increase price agreement from \$330,000 to \$630,000. This \$300,000 increase will provide maintenance and repair services for Water Wells and HVAC Pumps as requested by the Facilities Management Department. This price agreement was initially awarded by the Board of Supervisors on April 20, 2005 and increased (\$30,000.00) by the Materials Management Director on September 27, 2007. Price agreement expiration date is April 30, 2010.
- Foster Electric-Arizona Pump
  - Weber Group LC
- 06052-S Repair and Maintenance of U.P.S. Systems (\$180,000 increase)** Increase price agreement value from \$220,000 to \$400,000. This \$180,000.00 increase will provide for the purchase of additional Uninterruptible Power Supply (UPS) services that were not previously accounted for during the remaining term of this agreement. This agreement was initially approved by the Materials Management on September 28, 2006, and has an expiration date of September 30, 2009.
- Gruber Technical, Inc.

**Parks and Recreation**

**23. CONTRACT WITH NORTHWEST WOODLAND SERVICES FOR PRE-CONSTRUCTION MANAGEMENT SERVICES - (APPROVED)**

Approve and execute the Construction Manager At Risk (CMAR) construction services contract with Northwest Woodland Services, Inc. for the pre-construction management during the pre-construction services phase and to serve as general contractor during the construction phase of Regional Trail in the amount of \$163,000. Funding for this construction is available within the Appropriated Fund Balance (480) General Fund County Improvement Fund (445) in fiscal year 2007-2008. (C3008014500)

**ASSISTANT COUNTY MANAGER – PUBLIC WORKS**

**Transportation**

**24. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS (APPROVED)**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

**25. RESOLUTION REGARDING PAYMENT OF COMMISSIONS TO BROKERS ON EXCESS LAND SALES - (APPROVED)**

Approve a Joint Resolution regarding payment of commissions to brokers on excess land sales. Real Estate Brokers who represent clients, who are interested in purchasing property from the Maricopa County Department of Transportation, should be compensated for their efforts by the payment of a 3% commission rate on the sale of excess land. This commission rate will be disclosed in the solicitation packet for the sale. The real estate staff of Public Works would like permission to pay a 3% commission to all participating brokers in the public auction process. This benefits Maricopa County and the taxpayers by bringing more bidders to the auction. The brokers perform a valuable service by educating their buyers in material facts through the due diligence process. This education process reduces liability for Maricopa County by ensuring that the buyers, through an independent broker, are represented fairly. Commission sales will be paid 3% of each sale so the funding impact will vary from each land sale, depending upon the value of the excess land. A corresponding agenda item is found on the Flood Control District agenda under C6908033600. (Supervisory Districts 1, 2, 3, 4, and 5) (C6408112000) (ADM2000)

**26. TRADE-IN OF ANTIQUATED GPS EQUIPMENT FOR MODERN GPS EQUIPMENT (APPROVED)**

Approve the trade-in of antiquated GPS equipment for modern GPS equipment. The transaction is being facilitated through **Allen Instruments and Supplies**. The net cost of the new GPS equipment is \$39,416.87 with the \$10,920.00 trade-in discount. (Supervisory Districts 1, 2, 3, 4, and 5) (C6408122M00) (ADM3104-001)

**27. REPLACEMENT OF VEHICLES - (APPROVED)**

Approve the replacement of two vehicles with two fuel efficient, environmentally friendly hybrid vehicles. County policy requires that vehicles have to reach their life cycle before they can be

replaced. The fuel efficient, environmentally friendly hybrid vehicles can travel longer distances without having to refuel as often and can consume regular unleaded fuel. (Supervisory Districts 1, 2, 3, 4, and 5) (C6408124M00) (ADM3104)

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

**28.     REAPPOINTMENT - (APPROVED)**

Approve the reappointment of **Supervisor Wilcox** to the **Regional Public Transportation Authority** (RPTA), Board of Directors. The term of the appointment will be effective as of the date of Board approval through December 31, 2008. (C0608056900)

**29.     REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS - (APPROVED)**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

### **Industrial Development Authority**

**30.     ADMINISTRATIVE CORRECTION REGARDING INDUSTRIAL DEVELOPMENT AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS - (APPROVED)**

Approve an administrative correction to C1808032A00 approved December 19, 2007, in which the Board adopted a Resolution granting approval to The Industrial Development Authority of the County of Maricopa Single Family Mortgage Revenue Bonds. The original agenda noted that the Bonds to be issued were a Series 2007. This administrative action changes the Series 2007 to Series 2008. There are no other changes made to this agenda item. (C1808032A01)

## **SETTING OF HEARINGS**

~All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted~

## Transportation

**31. ROAD FILE DECLARATION - (APPROVED)**

Set a public hearing to declare the following roads into the county highway system for Wednesday, February 20, 2008.

Road File No. (A-385). In the vicinity of Deer Valley Road from 91st Avenue to 83rd Avenue. (Supervisory District No. 4) (C6408123000)

## Air Quality

**32. MARICOPA COUNTY ORDINANCE LEAF BLOWER RESTRICTION - (APPROVED)**

Pursuant to A.R.S. §§11-877 and 11-251.05, set a public hearing for February 20, 2008, to solicit comments on the proposed ordinance P-25 Leaf Blower Restriction Ordinance. Following the public hearing, the Board is requested to adopt the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508010700) (ADM157)

**33. MARICOPA COUNTY ORDINANCE RESIDENTIAL WOODBURNING RESTRICTION  
(APPROVED AS AMENDED)**

Pursuant to A.R.S. §§11-871 and 11-251.05, set a public hearing, for ~~March 12~~ **February 20**, 2008, to solicit comments on the proposed ordinance P-26 Residential Woodburning Restriction Ordinance. Following the public hearing, the Board is requested to ratify the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508016700) (ADM158)

**34. MARICOPA COUNTY ORDINANCE VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS - (APPROVED)**

Pursuant to A.R.S. §§49-474(1) and 11-251.05, set a public hearing for February 20, 2008, to solicit comments on the proposed new ordinance P-27 Vehicle Parking and Use on Unstabilized Vacant Lots. Following the public hearing, the Board is requested to adopt the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508012700) (ADM159)

**35. MARICOPA COUNTY ORDINANCE OFF-ROAD VEHICLE USE IN UNINCORPORATED AREAS - (APPROVED)**

Pursuant to A.R.S. §§11-251(43) and 11-251.05, set a public hearing for February 20, 2008, to solicit comments on the proposed new ordinance P-28 Off-Road Vehicle Use in Unincorporated Areas of Maricopa County. Following the public hearing, the Board is requested to adopt the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508013700) (ADM160)

## CONSENT AGENDA

### Clerk of the Board

36. **ASRS Claims** – Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001) **(APPROVED)**
37. **Canvass of Elections** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300) - **(APPROVED)**
38. **Classification Changes** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723) - **(APPROVED)**
39. **Compromises** – Accept the requested compromises in various bond forfeiture matters, waivers of medical liens and other matters. This item was discussed in Executive Session on December 17, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM407) - **(APPROVED)**
40. **Duplicate Warrants** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809) - **(APPROVED)**
41. **Precinct Committeemen** – Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701) - **(APPROVED)**
42. **Secured Tax Roll Corrections** – Approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM705) - **(APPROVED)**
43. **Settlement of Property Tax Cases** – Approve the settlement of tax cases dated January 16, 2008. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704) - **(APPROVED)**
44. **Stale Dated Warrants** – The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816) - **(APPROVED)**
45. **Tax Abatements** – Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM708) - **(APPROVED)**



## **FLOOD CONTROL DISTRICT AGENDA**

### **FCD-1. PERSONNEL AGENDA - (APPROVED)**

Approve the personnel agenda (Exhibit C) for the Flood Control District for the first two quarters of FY 2007-08 consistent with agenda item C4907038600 approved on April 18, 2007. (On file in the Clerk of the Board's office) (C4508009600) (ADM1900-001)

### **FCD-2. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS (APPROVED)**

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

### **FCD-3. RESOLUTION REGARDING PAYMENT OF COMMISSIONS TO BROKERS ON EXCESS LAND SALES - (APPROVED)**

Adopt Joint Resolution FCD 2007R012 authorizing and directing the Chief Engineer and General Manager of the Flood Control District to pay commission on the sale of real property as long as it is disclosed in the solicitation packets of the sale. The commission rate shall not exceed 3% of the final sale price for the subject property. A corresponding agenda item is found in the Board of Supervisors' agenda under C6408112000. (Supervisory Districts 1, 2, 3, 4, and 5) (C6908033600)

## **LIBRARY DISTRICT AGENDA**

### **LD-1. PERSONNEL AGENDA - (APPROVED)**

Approve the personnel agenda (Exhibit D) for the Library District for the first two quarters of FY 2007-08 consistent with agenda item C4907038600 approved on April 18, 2007. (On file in the Clerk of the Board's office) (C4508010600) (ADM2800-001)

### **LD-2. DONATIONS - (APPROVED)**

Accept the donation reports received for December, 2007 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM2800-006)

## **STADIUM DISTRICT AGENDA**

### **SD-1. PERSONNEL AGENDA - (APPROVED)**

Approve the personnel agenda (Exhibit E) for the Stadium District for the first two quarters of FY 2007-08 consistent with agenda item C4907038600 approved on April 18, 2007. (On file in the Clerk of the Board's office) (C4508011600) (ADM5500-001)

## **CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

46. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605) – **(NO ACTION)**
47. Supervisors'/County Manager's summary of current events. (ADM606) – **(NO ACTION)**

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred.  
New evidence is not considered at these hearings.

## **CODE ENFORCEMENT REVIEW**

- PZ-1. William Russell** – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2006-01093 and V2006-01094, William Russell. **This item was continued from the January 2, 2008 meeting.** (Supervisory District 5) (ADM3417-053) **(UPHELD HEARING OFFICER'S HEARING OF JUDGEMENT)**

## **PLANNING AND ZONING AGENDA**

### **CONSENT AGENDA:** **(Detailed below)**

1. S2006-038, Replat in the R1-8 zoning district, located at the northeast corner of Dysart Road & Maryland Avenue (in the west Glendale area) (District 4) – **(APPROVED)**
2. S2007-027, Replat in the R1-8 RUPD zoning district, located northwest of the northwest corner of Citrus Road & Northern Avenue or south of Seldon Lane between 181st Avenue and Citrus Road (in the Surprise/west Glendale area) (District 4) – **(APPROVED)**

### **REGULAR AGENDA:** **(Detailed below)**

3. Z2006-107, Rezone from Rural-43 to Rural-43 RUPD, located at the north west corner of Desert Hills Drive & 7th Avenue (in the Anthem/Desert Hills area) (District 3) (Continued from 12-05-07) (Case requires a  $\frac{3}{4}$  super-majority vote for approval) - **(CONTINUED TO 2/6/08)**
4. Z2006-075, Special Use Permit (SUP) in the Rural-43 zoning district, located south of Riggs Road and east of Hawes Road (in the Queen Creek area) (District 1) (Continued from 12-19-07) **(CONTINUED TO 2/6/08)**

**CONSENT AGENDA DETAIL:**

1. **S2006-038** District 4  
  
Applicant: Ernie Lucke of Adobe West construction  
Location: Northeast corner of Dysart Road & Maryland Avenue (in the west Glendale area)  
Request: Replat of Dysart Ranch Tract "H" (approximately 0.405 gross acres)
2. **S2007-027** District 4  
  
Applicant: Roger Theis with Coe & Van Loo  
Location: Northwest of the northwest corner of Citrus Road & Northern Avenue, or south of Seldon Lane between 181st Avenue and Citrus Road (in the Surprise/west Glendale area)  
  
Request: Replat of Lot 26 of Parcel 10 of White Tank Foothills (approximately 0.293 gross acres)

**REGULAR AGENDA DETAIL:**

3. **Z2006-107** District 3  
(This case was continued from the December 5, 2007 meeting) (Case requires a  $\frac{3}{4}$  super-majority vote for approval)  
  
Applicant: Sonora West Development for Cadora Desert Hills  
Location: Northwest corner of Desert Hills Drive & 7th Avenue (in the Anthem/Desert Hills area)  
Request: Rezone from Rural-43 to Rural-43 RUPD (approximately 74.23 acres) – Desert Hills Equestrian Estates

**COMMISSION ACTION:** Commissioner Aster moved to continue Z2006-107 for 60-days. Commissioner Jones seconded the motion, which failed 4-4 as follows:

Commissioner Jones - yes	Commissioner Pugmire - no
Commissioner Aster - yes	Commissioner Bowers - no
Commissioner Barney – yes	Commissioner Brooks - no
Commissioner Johnson – yes	Chairman Smith - no

**COMMISSION ACTION:** Commissioner Aster moved to deny Z2006-107. There was no second. Motion failed.

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2006-107, subject to stipulations "a" through "v". Commissioner Brooks seconded the motion, which passed with a majority vote of 6-2 with Commissioners Aster and Jones dissenting.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Desert Hills Equestrian Estates", consisting of three (3) full-size sheets, dated revised May, 2007, and

stamped received September 11, 2007, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, a revised zoning exhibit will be submitted to the County to address changes to the RUPD table.

- b. Development of the site shall be in conformance with the narrative report entitled "Desert Hills Equestrian Estates", consisting of eighteen (18) pages, dated revised September 5, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Preliminary Landscape Plan Desert Hills Equestrian Estates", consisting of four (4) full size sheets, dated revised August 16, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- d. The Rural-43 RUPD zoning district for Desert Hills Equestrian Estates shall be subject to the following development standards:

Development Standard	Rural-43 Base	Rural-43 RUPD Proposed
Maximum building height / stories	30'/2 stories	30'/2 stories
Minimum front setback	40'	40'
Minimum side setback	30'	<b>20'</b>
Minimum street side setback	20'	20'
Minimum rear setback	40'	<b>30'</b>
Minimum lot size	43,560 sq. ft.	<b>35,000 sq. ft.</b>
Minimum lot width	145'	<b>110'</b>
Average lot area per dwelling unit	43,560 sq. ft.	<i>47,000 sq. ft.</i>
Maximum lot coverage	15%	<b>20%</b>
Minimum distance between Buildings on same lot	15'	15'
Required parking spaces per unit	2	2
Wall Height	6'	6'
Signage	32 sq. ft.	32 sq. ft.
Equestrian Arena Lighting	Max. 25' per Anthem Design Standards	25' Maximum

- e. Construction of a bridge will not be allowed over Skunk Creek Wash to bridge the development of this site into the interior roadway network of Anthem.
- f. The equestrian facility will be for the use and benefit of the residents of Desert Hills Equestrian Estates only. A Special Use Permit will be required and approved by the Board of Supervisors if the facility is expanded beyond the use and benefit of the residents of Desert Hills Equestrian Estates.
- g. The private equestrian facility arena lights shall be shut off by 9:00 p.m.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - 1. Provide a total half-width of 65' right-of-way on Desert Hills Drive.

2. Provide a total half-width of 40' right-of-way on 7th Avenue (total length).
  3. Construct ultimate half-width improvements, including pavement, curb and gutter, to perimeter roads (7th avenue and Desert Hills Drive).
- i. All trees shall be double-staked when installed.
  - j. A continuous parapet shall screen all roof-mounted equipment.
  - k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
  - l. All interior streets within the proposed development are to be constructed to minimum County standards.
  - m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
  - n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
  - o. All development and engineering design shall be in conformance with the Drainage Regulations and current engineering policies, standards and best practices at the time of application for construction.
  - p. Drainage review of planning and or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
  - q. The applicant or his successor shall obtain approval of any development plans from the Office of Arizona State Fire Marshal prior to any construction.
  - r. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
  - s. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
  - t. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
  - u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the

conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

- v. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

4. **Z2006-075** District 1  
(This case was continued from the December 19, 2007 meeting)

Applicant: Desert Colony, LLC  
Location: South of Riggs Road and east of Hawes Road (in the Queen Creek area)  
Request: Special Use Permit (SUP) for a feed store in the Rural-43 zoning district (approximately 3.64 acres) – Horse and More Country Store

**COMMISSION ACTION:** Commissioner Brooks moved to continue Z2006-075 to the regular meeting of January 3, 2008. Commissioner Aster seconded the motion, which failed with a vote of 4-2.

**COMMISSION ACTION:** Commissioner Brooks moved to recommend approval of Z2006-075, subject to stipulations “a” through “ee”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled “Desert Colony, LLC Special Use Permit for Horse & More Country Store”, consisting of one (1) full-size sheet, dated (revised) September 8, 2007, and stamped received November 2, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled “Desert Colony, LLC-Horse & More Country Store”, consisting of thirteen (13) pages, dated (revised) September 20, 2007, and stamped received October 30, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Desert Colony LLC, Horse and More Country Store Case Z2006075”, consisting of one (1) full-size sheet, date(revised) August 10, 2007 and stamped received October 30, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the elevation plan entitled “Horse and More Country Store”, consisting of one (1) full-size sheet, stamped received October 30, 2007, except as modified by the following stipulations.
- e. Development of the site shall be in conformance with the sign package “Sample Sketch of Wall Sign Type W4-NON” and “Sample Sketch of Monument Sign Type M2”, consisting of two (2) pages, stamped received May 18, 2007, except as modified by the following stipulations.
- f. The feed store shall operate Monday through Saturday from 7:00 a.m. to 6:00 p.m. and Sundays from 9:00 a.m. to 4:00 p.m. No deliveries shall occur before 6:00 a.m. or after 10:00 p.m.
- g. The store shall only hold two (2) special events per month and the hours of operations when special events shall be consistent with the feed store, but extended on Saturdays to 9:00 p.m. and Sundays to 6:00 p.m. No additional exterior signage shall be allowed and off-site parking is prohibited.

- h. The use of speakers or loud sound devices shall not be allowed to promote regular operations or special events.
- i. Dedication of additional right(s)-of-way to bring the total half-width dedication to 70' for Riggs Road shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- j. Dedication of additional right(s)-of-way to bring the total half-width dedication to 65' for Hawes Road. shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- k. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Riggs Road and Hawes Road along the perimeter of the site.
- l. The following stipulations from Maricopa County Department of Transportation (MCDOT) shall be met:
  - 1. Bonding for perimeter roadway improvements (curb, gutter, paving, and sidewalk).
  - 2. Any landscaping in County Right-of-Way shall meet Chapter 9 (Roadway Design Manual) and be MCDOT permitted.
- m. The following stipulation from Flood Control District shall be met:

Prior zoning clearance, a Floodplain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- n. All trees shall be double-staked when installed.
- o. A continuous parapet shall screen all roof-mounted equipment.
- p. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- q. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- r. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- s. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- t. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- u. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.



- v. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- w. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- x. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- y. The applicant shall submit a written report outlining the status of the development at the end of two (2) and ten (10) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- z. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- aa. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- bb. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- cc. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- dd. Fire sprinklers shall be installed in the hay barn.
- ee. The applicant shall pay for installation of a fire hydrant within 300' of the subject property.